

Appl. No. 10/719,755
Docket No. 9447
Amdt. dated November 13, 2006
Reply to Office Action mailed on September 25, 2006
Customer No. 27752

REMARKS

Claim Status

Claims 1-20 are pending in the application, of which claim 8 has been amended and claims 17-20 are currently withdrawn pursuant to an earlier Restriction Requirement. Claims 1-6, 8-13, and 15-16 stand rejected under 35 U.S.C. § 103(a). Applicants request the status of claims 7 and 14 since there is no formal rejection directed to the same, but the Office Action notes that "no claims are allowed."

Rejections

Claim 8 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicants have amended claim 8 to more clearly recite the intended features of the same.

Claims 1-6, 8-13, and 15-16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schrader *et al.* (U.S. Patent No. 6,274,127; hereinafter "Schrader") in view of Swaile (U.S. Patent No. 6,149,897; hereinafter "Swaile"). Applicants respectfully disagree.

The pending claims relate to antiperspirant compositions comprising, *inter alia*, a skin-adhering system comprising a skin-adhering polymer and one or more volatile solvents. The as-filed specification states that "[t]he function of the volatile solvent as part of the skin-adhering system is to aid in rapid film formation by evaporating quickly on skin to leave behind the polymer film, active, and other components" (page 4, lines 30-32).

The Examiner relies on the disclosure of Schrader to teach a composition comprising skin-adhering polymers (citing materials within the list of "suspending/thickening agents" on lines 41-45 of column 9), and relies on the disclosure of Swaile to teach a composition comprising volatile solvents (e.g., ethanol). Applicants submit that these references are not properly combinable because the intended function of the suspending/thickening agents of Schrader would be destroyed if combined with a volatile solvent of Swaile to arrive at the skin-adhering system recited in the pending

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claims. *See e.g.*, MPEP §§ 2143.01 and 2145. Schrader states that employment of a suspending/thickening agent helps to "provide the composition with the desired viscosity, rheology, texture and/or product hardness" (column 9, lines 12-15). If a volatile solvent, such as those disclosed by Swaile, were combined with suspending/thickening agents of Schrader, the volatile solvent would null and void (or at least cut directly against) the viscosity-building benefit intended by employment of the suspending/thickening agent. Accordingly, there is no motivation or suggestion to combine the teachings of Schrader and Swaile to arrive at the compositions as recited in the rejected claims.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under Sections 103 and 112. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendment presented herein, and allowance of claims 1-16 are all respectfully requested.

Respectfully submitted,

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